

# ANN ARBOR PUBLIC SCHOOLS

ANN ARBOR PUBLIC SCHOOLS FREEDOM OF INFORMATION ACT RESPONSE TO REQUEST FOR PUBLIC RECORDS	FOIA Request Number: 10/11-0027 Date of Response From The Ann Arbor Public Schools ("Public Body"): 5/4/11

Dear: Diana Lopez, Sunshine Review

This letter is in response to your request for information received in this office on 4/15/11

## I. RESPONSE TO YOUR REQUEST:

Your request has been reviewed and the following action has been taken in compliance with the provisions of Michigan's Freedom of Information Act ("FOIA"), MCL 15.231 *et seq*:

1. **Ten Day Extension Required:** The specific nature of your request involves a circumstance which requires an additional 10 business days to properly process your request as provided by Section 5(6) of the FOIA. The extension due date is on or before May 4, 2011. The reason for this extension is due to the amount of information requested in the FOIA
2. **Deposit Required:** Your request involves a large volume of documents and/or an extensive search. Please submit a 50% deposit for the *estimated* fees (which exceed \$50.00) as set forth in the attached "Statement of Fees For Freedom of Information Act Requests" on Page 3.
3. **Request Approved:** See Page 3 for information on costs related to your request and delivery or review of the requested documents.
4. **X Request Approved In Part and Denied In Part:** (See denial reason(s) below and/or on next page and Page 3 for information on costs related to your request and delivery or review of the requested documents.)
5. **Request Denied:** This Public Body has determined that the requested record(s) are exempt from disclosure based on the provision(s) of the Freedom of Information Act. (See reason and/or comments set forth below and on next page).
6. **Request Denied:** The record(s) you have requested do NOT exist within the records of this Public Body. A signed certification that the public record does not exist is enclosed.
7. **Request Denied:** Your request does NOT describe the record(s) sufficiently to enable the public body to determine what record(s) you are seeking. You may submit a new request describing the record(s) in greater detail.

Under Section 10 of FOIA if a Public Body makes a final determination to deny all or a portion of your request you may do one of the following: (1) Submit to the head of the public body a written request for a reversal that states the word "APPEAL" and identifies the reason(s) for reversal of the denial; (2) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after the public body's final determination to deny a request. (3) If, after judicial review, the circuit court determines that the District has not complied with the FOIA and orders disclosure of all or a portion of the requested information, you would have the right to attorneys' fees and damages. MCL 15.235; MCL 15.240; MSA 4.1801(10). Please notify us of your disagreement with the above denial prior to seeking a written appeal from the head of the public body or judicial action in circuit court, so that we may attempt to resolve the issue.

Name of FOIA Coordinator or Representative  
Liz Nowland-Margolis

Signature of FOIA Coordinator or Representative

## II. REASON(S) FOR DENIAL OF RECORD(S), IF APPLICABLE:

This section applies if your request has been denied in whole or in part. (If denied in part, the request(s) that are denied are circled on the attached copy of your FOIA Request and the applicable exemption(s) are written next to the request.) The denial is based on the following exemption(s) from disclosure of public records under FOIA, specifically MCL 15.243 Section 13: (*Check all that apply.*)

☐ (1)(a) Information of a personal nature where public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.

☐ (1)(d) Records or information specifically described and exempted from disclosure by statute, specifically MFT v U of M 481 Mich 675 (2008) .

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(1)(e) A public record described in this section that is furnished by the public body originally compiling preparing or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the considerations originally giving rise to the exempt nature of the public record remain applicable.

(1)(g) Information or records subject to attorney-client privilege.

(1)(h) Information or records subject to the physician-patient privilege, psychologist-patient privilege, or other privilege recognized by statute or court rule.

(1)(i) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not conducted, until the deadline for submission of bids or proposals has expired.

(1)(k) Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure outweighs the public interest in nondisclosure.

(1)(l) Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by disclosure of those facts or evaluation.

(1)(m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in a particular instance the public interest in encouraging frank communications between officials and employees of public bodies clearly outweighs the public interest in disclosure. This exemption does not constitute an exemption under state law for purposes of section 8(h) of the Open Meetings Act, MCL 15.268, *et al.* As used in this subdivision, "determination of policy or action" includes a determination relating to collective bargaining, unless the public record is otherwise requested to be made available under MCL 423.201 to 423.217.

(1)(p) Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only one bidder has met the specifications. This subdivision does not apply after 1 year has lapsed from the time the public body completes the testing.

(1)(u) Records of a public body's security measures, including security plans, security codes and combinations, passwords passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.

(1)(v) Records or information relating to a civil action in which the requesting party and the public body are parties.

(1)(w) Information or records that would disclose the social security number of any individual.

(2) A public body shall exempt from disclosure information that, if released, would prevent the public body from complying with section 444 of subpart 4 of part C of the general education provisions act, title IV of Public Law 90-247, 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974. A public body that is a local or intermediate school district shall exempt from disclosure directory information, as defined by section 444 of subpart 4 of part C of title IV of Public Law 90-247, 20 USC 1232g, requested for the purpose of surveys, marketing, or solicitation, unless that public body determines that the use is consistent with the educational mission of the public body and beneficial to the affected students. A public body that is a local or intermediate school district may take steps to ensure that directory information disclosed under this subsection shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

Comments and/or Other Exemption Not Listed Above (if applicable):

General Description of Information Deleted or Separated from the Public Record Requested (if applicable):

4. Overtime hours for retiring personnel – a file of this data does not exist.

6. District personal car use – a file of this data does not exist.

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## STATEMENT OF FEES FOR FREEDOM OF INFORMATION ACT REQUESTS

Date of Statement: 5/4/11 FOIA Request No.: 10/11-0027  
Requestor's Name: Diana Lopez, Sunshine Review

**This statement shows the fees (estimated or actual, as applicable) which apply to your request under the Freedom of Information Act. See the transaction checked below:**

☒ There is no charge for the requested documents. The first \$20 fee is waived

There is a charge for the requested documents approved for disclosure which does not exceed \$50.00. **Please send the amount (shown in #8 below) at this time.** The requested documents approved for disclosure will be sent to you only AFTER the this amount has been received by the Ann Arbor Public Schools.

The Ann Arbor Public Schools requires a fifty percent (50%) deposit of the *estimated* fees to be paid **before** your request is processed. **Please send the amount (shown in #5) below at this time.** You will be billed for remaining costs, if any, prior to any documents being sent to you.

You have already paid fifty percent (50%) of the *estimated* fee amount of \$\_\_\_\_\_. Below is the remaining amount that is due – This amount is based on the *actual* fees. **Please send the amount (shown in #8) below at this time.** The requested documents that are approved for disclosure will be sent to you only AFTER the remainder of the fee has been received by the Ann Arbor Public Schools

Thank you for your payment in full. The requested documents that are approved for disclosure are enclosed.

### INSTRUCTIONS:

**If you do not wish to pursue your request, please indicate with a "check" here and return this form *within three days* to the FOIA Coordinator at the above address.**

If you wish to inspect the requested documents approved for disclosure, please contact the Ann Arbor Public Schools FOIA Coordinator at (734) 994-2236 to arrange for an appointment for viewing. Note that charges for searching and examination of materials and/or photocopying of any documents that require redaction are still applicable.

**If your request requires a fee of more than \$20.00, in order to process your request, you must submit a check payable to: "The Ann Arbor Public Schools" with FOIA Request No. 10/11-0027 printed in the memo line on the check. Mail a copy of this form and your check to:**

The Ann Arbor Public Schools  
Attention: FOIA Coordinator  
2555 South State Street  
Ann Arbor, MI 48104

CHARGES:	<i>Estimated Fees</i>	<i>Actual Fees</i>
1. Labor charges for searching and examination of materials----		\$
2. Duplication costs for photocopying documents or providing computer diskette(s)		\$
3. Shipping and Handling charges.....		\$
4. Subtotal Charge (sum of lines 1 – 3).....		\$
5. Fifty Percent (50%) of <i>Estimated Fees</i> Required NOW (Line 4 divided by 2)-----		\$
6. Actual Amount of Fees.....		\$
7. Minus waiver of first \$20.00-----		\$
8. Remainder Due NOW (Line 7 minus line 5)-----		\$